

**CITY COUNCIL AGENDA**

**REGULAR MEETING**

**WEDNESDAY, APRIL 2, 1997**

**Morgan Hill Civic Center**

**Mayor**

**Dennis Kennedy**

**Council Chambers  
17555 Peak Avenue  
Morgan Hill, California 95037**

**Mayor Pro Tempore  
Council Member  
Council Member**

**Bev E. Freeman  
Hedy L. Chang  
Cynthia J. Cook**

**7:00 P.M.**

**CALL TO ORDER**  
**( Mayor Kennedy)**

**OATH OF OFFICE - APPOINTED COUNCIL MEMBER**  
**(City Clerk Torrez)**

**ROLL CALL ATTENDANCE**  
**(City Clerk Torrez)**

**DECLARATION OF POSTING OF AGENDA**  
**Per Government Code 54954.2**  
**(City Clerk Torrez)**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**  
**Haru Matsuri Festival Day**

**Volunteer Week**

**PRESENTATIONS**

Adam Corondo  
Certificate of Heroism

Karen Lengsfeld  
Employee Suggestion Committee Award

**INTRODUCTIONS**

Joe Mello  
Utility Worker I

**CITY COUNCIL REPORT**

SCRWA

Councilmember Cook

**CITY MANAGER'S REPORT**

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

**LEGALLY NOTICED PUBLIC HEARINGS:**

**1. APPLICATIONS: ZONING AMENDMENT 96-17; DEVELOPMENT AGREEMENT 96-05; SUBDIVISION 96-15: HILL - ALOSI (APN 728-08-002)**

**Recommended Action:** Request staff presentation.

The Interim Mayor will continue the Public Hearing.

Please limit your remarks to three minutes. The Interim Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt mitigated negative declaration.

Action - Motion to waive the reading in full of the RPD ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

Action - Motion to waive the reading in full of the Development Agreement ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

Action - Motion to adopt Resolution.

**2. GENERAL PLAN AMENDMENT & ZONING AMENDMENT APPLICATION GPA-96-07 & ZA-96-21: CLAYTON AVE. - MIYASAKI (APN 726-40-004 PORTION, 726-41-043, 044)**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to three minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve negative declaration.

Action - Motion to adopt resolution.

Action - Motion to waive the reading in full of the ordinance;

Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

**3. UP-92-04: MONTEREY-DIVITTORIO - APPEAL OF MODIFIED CONDITION**

**Recommended Action:** 1) By Minute Action, Approve Hearing of Appeal de Novo and 2) Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to three minutes. The Mayor will close the Public Hearing on each Appeal Application.

Council discussion.

Action - Motion to approve resolution.

4. **GENERAL PLAN AMENDMENT & ZONING AMENDMENT APPLICATION GPA-96-02 & ZA-96-05: SPRING - GREEN ACRES (APNS 726-15-006 THROUGH 010 AND 767-16-001)**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve mitigated negative declaration.

Action - Motion to approve resolution.

Action- Motion to waive the reading in full of the ordinance;  
Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

5. **GENERAL PLAN AMENDMENT REQUEST, APPLICATION GPA-96-03: MONTEREY-GOMES (APN 726-35-001)**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to three minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve negative declaration.

Action - Motion to adopt resolution.

6. **APPEAL APPLICATIONS AP-97-01 & AP-97-04: COCHRANE - RUGE/MORGAN PARK PLACE ASSOCIATES, AP-97-02: BARRETT - CHIRI AND AP-97-05: GARRISON**

**Recommended Action:** Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to three minutes. The Mayor will close the Public Hearing on each Appeal Application.

Council discussion.

Action - Motion to deny appeals and adopt resolution.

If one or more appeals are granted,

Action - Motion to direct staff to modify allotment evaluation and final distribution of the building allotment.

**CONSENT CALENDAR:** The Consent Calendar, Agenda Items #7 through #12 may be acted upon with one motion, a second and the vote.

7. **RESOLUTION CALLING SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 1997 FOR THE PURPOSE OF FILLING AN UNEXPIRED TERM ON THE CITY COUNCIL**

**Recommended Action:** Adopt Resolution Calling a Special Election for November 4, 1997 to Fill an Unexpired Term on the City Council.

8. **ELECTRIC VEHICLE ACQUISITION**

**Recommended Action:** 1) Approve Purchase of Electric Vehicle with 100% Reimbursement from the Santa Clara Valley Transportation Agency, and 2) Appropriate \$31,290.00 from our Unappropriated Vehicle Replacement Fund Balance to Complete this Purchase.

9. **CONTRACT WITH PENINSULA PUMP & EQUIPMENT, INC. FOR SEWER LIFT STATION REPAIR**

**Recommended Action:** Approve Contract with Peninsula Pump & Equipment, Inc. for Sewer Lift Station Repair in an Amount Not to Exceed \$15,000.

10. **1996 ANNUAL WATER QUALITY REPORT**

**Recommended Action:** Informational Item Only.

11. **RESOLUTION CONTINUING LOCAL EMERGENCY**

**Recommended Action:** Adopt Resolution Continuing the Proclamation of the Existence of a Local Emergency.

12. **APPROVAL OF SPECIAL MEETING MINUTES OF FEBRUARY 13, 1997**

**OTHER BUSINESS:**

13. **REQUEST FOR CITY COUNCIL APPROVAL OF AN INDUCEMENT RESOLUTION FOR MULTIFAMILY HOUSING FOR PACIFIC OAK PROPERTIES**

**Recommended Action:** Approve a Resolution Expressing Intent to issue Revenue Bonds to Finance a Multifamily Housing Project.

14. **GREEN BUSINESS PROGRAM**

**Recommended Action:** Adopt Resolution.

15. **CITY COUNCIL/PLANNING COMMISSION MEASURE P WORKSHOP**

**Recommended Action:** Provide Direction to Staff Regarding Topics for Workshop and Process for Its Conduct.

16. **POTENTIAL INCREASE TO SEWER TREATMENT PLANT COSTS**

**Recommended Action:** The Purpose of this Report is to Advise the City Council of the Potential Impact of Sewer Treatment Plant Operations Costs in Advance of Upcoming Budget Workshops.

17. **REQUEST TO REVISE, UPDATE, AND REFORMAT FIVE YEAR PLAN**

**Recommended Action:** Direct the City Manager to Have Prepared a Work Program with Costs to Revise, Update, and Reformat the Five Year Plan within the Context of a Revision to the City's General Plan.

18. **REVIEW OF TRAFFIC ISSUES ON DUNNE AVENUE**

**Recommended Action:** Instruct the City Manager to Develop a Work Program that includes Associated Costs for Evaluating Traffic-related Issues on Dunne Avenue.

19. **AN ORDINANCE RESCINDING AND REPEALING SECTION 1.16.040 OF CHAPTER 1.16 OF THE MUNICIPAL CODE, REGARDING A MAJORITY VOTE AND RUNOFF ELECTION FOR THE OFFICE OF MAYOR**

**Recommended Action:** Motion to waive the reading in full of the ordinance; Motion to introduce ordinance by title only. The City Clerk will read the ordinance title and call the roll for the vote.

20. **COUNCIL APPOINTMENT OF TWO (2) CITIZENS-AT-LARGE TO THE SOUTH COUNTY JOINT PLANNING COMMITTEE**

**Recommended Action:** Appoint 2 Citizens-at-large to the South County Joint Planning Committee.

**CLOSED SESSION:** **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	<u>Michael Purser and Sharon Purser v. City of Morgan Hill</u>
Case Number:	CV757459
Court:	Superior Court, County of Santa Clara
Parties:	Michael Purser; Sharon Purser; City of Morgan Hill
Subject of Litigation:	Landslide at personal residence
Closed Session Topic:	Potential Settlement

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:**

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	<u>Lyle Lindsay v. City of Morgan Hill, YMCA Softball League</u>
Case Number:	CV753051
Court:	Superior Court, County of Santa Clara
Parties:	Lyle Lindsay; YMCA Softball League; City of Morgan Hill
Subject of Litigation:	Personal injury case involving softball player
Closed Session Topic:	Potential Settlement

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

**ADJOURNMENT TO:** Joint City Council/Planning Special Meeting Tuesday, April 8, 1997 at 7:00 P.M. for Purpose of Conducting a Workshop on Measure P.

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

At. **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #1 through #6 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.